

Civil Rights Questions and Answers

1. Q: Are **non-public schools** required to comply with civil rights requirements?
A: Yes. All participating organizations in a Child Nutrition Program must comply with USDA civil rights requirements. All public accommodations in Iowa must comply with Iowa civil rights requirements.
2. Q: What kind of positions are considered **front line**?
A: Front line staff include all people who interact with participants, participants' parents, potential participants/applicants and their parents; people who make eligibility determinations on the basis of applications or direct certification; people who collect or manage data. In almost all situations, front line staff will include servers, cooks, people who count meals or check tickets. It may also include superintendents or principals at schools if they help make decisions about eligibility, secretaries or other support staff who maintain records, etc. Classroom teachers in CACFP centers could be front line staff if they help supervise during meals or take meal counts. Home providers in CACFP are also front line staff. Volunteers who work in CNPs should be trained, too.

Reviews for Compliance

3. Q: Will Bureau staff be evaluating us on our civil rights compliance during regular **reviews**?
A: Yes, each program area has specific topics about civil rights that must be assessed during reviews. During regular reviews, if practices are observed that **on their face** violate civil rights of participants or don't meet specific USDA requirements, Bureau staff will tell you as soon as possible.
4. Q: What kind of specific USDA requirements for civil rights will Bureau staff be looking for during regular **reviews**?
A: Bureau staff will be checking for compliance with the 11 listed USDA requirements that have been discussed in this section of the broadcast. Consultants will also assess if obvious violations of civil rights requirements are apparent.
5. Q: What will happen during a review if we are found have a **violation** of the USDA requirements?
A: The consultant could allow you to correct the problem during the review or may require that you provide a plan of correction. For example, if a poster is not displayed, you may be allowed to correct that during the review. If posters are generally not displayed as required and other civil rights issues are found, the consultant will probably require a plan of correction.
6. Q: What would be an example of an “**obvious violation of civil rights requirements**?”
A: Examples could include excluding some participants from the program, providing different levels of service to some participants or treating some participants differently, if these differences appear to be based on one of the protected classes. Specifically, if orange children are required to wait until green children of the same age are served, this could be discrimination based on color. If boys are routinely served more food than girls of the same age, this could be discrimination based on age. If infants in a day care serving children through school age and participating in CACFP are not enrolled in the program, this could be discrimination based on age. If children of a particular religion request menu accommodations and are denied, but children of another religion have their

comparable menu accommodations provided, this could be discrimination based on religion. Refusing to provide menu changes to a disabled child could be discrimination.

Violations

7. Q: If a **day care or home provider** did not accept infants at all, is this a civil rights violation?
A: It could be, BUT IT IS NOT RELATED TO THE CHILD NUTRITION PROGRAM. Making a decision about who you will serve, if it is based on discrimination, may be a violation, but the issue is outside the food program. Once a child is admitted to your facility or program, apparently discriminatory practices **IN THE FOOD PROGRAM** are subject to the civil rights requirements discussed today.
8. Q: If a parent complains that their child is **discriminated against in the classroom or on the playground**, is this a civil rights complaint?
A: Perhaps, BUT IT IS NOT RELATED TO THE CHILD NUTRITION PROGRAM. Refer the parent to the appropriate person in your organization or to the US Commission on Civil Rights or Iowa Civil Rights Commission.

Complaints

9. Q: Once a parent comes to us with a **complaint** that is part of the food program, are we allowed to try to work it out?
A: You are encouraged to try to work it out. If a parent or a staff member brings a situation to your attention that may be discriminatory, it is in everyone's best interest to try to work things out before a complaint is lodged. You may continue to try to work it out even after a complaint is lodged. Follow the complaint procedure, but keep working on it. Keep good notes. We can help you with the process of clearing the complaint.
10. Q: Why won't the Bureau help us in determining if we are compliant with civil rights requirements?
A: The area of civil rights is complicated. It requires special training to understand and interpret and apply the many requirements that comprise civil rights protection. Bureau staff are not trained to do this. References in the manual have been provided to help you get answers to your specific question.
11. Q: How can the Bureau help with the process of clearing the **complaint** but not with determining if we are compliant?
A: We can help guide you through the complaint resolution process. But we cannot make a determination if the proposed solution to the complaint is compliant. But call us if a situation comes up. We can help you sort through the process.
12. Q: Can someone file a **complaint** with both USDA and Iowa Civil Rights Commission for the same situation?
A: Yes, the right to file a complaint exists under both systems. A person who complains about discriminatory treatment may file complaints with both organizations so long as the basis for the complaint is covered by both organizations. Remember that age is covered under USDA but not Iowa, and that Iowa's laws cover things that USDA does not. And remember that after July 1, 2008, people who file a complaint under Iowa law may file that complaint within 300 days.
13. Q: Are we required to have copies of the **complaint forms** on hand?

A: No, but staff should know where to find them on line. And remember that a complaint can be filed verbally, anonymously, by an individual or by a group.

14. Q: What is an example of an **anonymous complaint**?

A: If the superintendent of a school or a director of a day care or summer feeding program received an unsigned letter reporting that green children were being served less food than orange children, this could be an anonymous complaint..

15. Q: How often have civil rights **complaints** been filed in the food program in Iowa?

A: There have been very few complaints filed over the years. This could mean that people don't know about their rights, but we believe that it is because food program administrators, directors and staff are conscientious in their efforts to treat everyone with fairness and respect. Our efforts today are to help you keep up this great record.

Civil Rights Training

16. Q: Will the Bureau provide a **training** like this annually?

A: Civil rights training will be a part of formal training provided by the Bureau. We don't have plans to provide a train-the-trainer opportunity such as today's session on a regular basis. But we will reconsider if a need is identified.

17. Q: Will this **broadcast** be repeated? Can CNPs get tapes?

A: The broadcast will be repeated over the ICN network. The first scheduled repeat broadcast is April 17, 2008, 2-4 PM. Sign up through the IPTV link. Tapes may be available through IPTV. More information will come in warrant inserts, *School Leader Update*, *LunchLine*, *Food with Care*, and SFSP newsletters.

18. Q: Can we include the **training** for civil rights in other training?

A: Yes, please include civil rights training with other training if it makes sense for your program.

19. Q: When do you recommend that we do the **training**?

A: Programs that have a definite start and stop date, such as schools, camps, summer feeding programs, might consider doing the training as part of start-up training or pre-service. CACFP home providers might want to do training as part of the annual application training. Year round programs should do training when it makes the best sense for the program. And new employees should receive this training as part of their initial orientation.

20. Q: Do we have to **train** everyone at the same time?

A: No. Train people when it makes sense for you.

21. Q: Do we have to use the **training** the Bureau has provided?

A: NO! Spice it up with your own ideas. Include civil rights training with other diversity discussions. Break the training into different parts and intersperse it throughout your training schedule. Discuss the requirements for public notification when you are talking to staff about advertising your program, for example. We have provided several different formats for training for you to use if you wish, but you are free to change them to meet your needs. Just be sure that all the required elements have been covered, and that you have documentation.

22. Q: If we already do this kind of **training**, are we covered?

- A: You might be. Go over the training you are already doing and compare it to the requirements in this manual. Several programs have found that the training they already do needed some minor tweaking to be compliant. If you are missing something, add it to your current training and be sure to document.
23. Q: It seems kind of silly to train the ladies who serve the kids lunch on the **same topics** as the secretaries who process free and reduced price applications.
A: Customize your training to meet the needs of your audience, but be sure to include all the required elements. For example, you might want to focus on how the ethnic and racial data is collected and kept when you train the secretaries. The ladies who serve might just need to know what kind of data is kept and that it is done by the secretaries. The ladies who serve might have more attention paid to complaint resolution and how to be sure that all the kids are treated fairly during lunch. But everyone needs customer service.
24. Q: I am the head cook. The superintendent helps process free and reduced price applications. Is it MY responsibility to **train the superintendent**? I am nervous! What should I do?
A: In this example, the superintendent would need the annual training. But not every employee who must be trained, must be trained the same way. You might find that the kitchen staff are more interested in the powerpoint trainings. Classroom teachers might like to go over the handout. Home providers might like to combine their training with taste-testing some new ethnic foods. Superintendents might prefer to read the handout on their own time. If it is your responsibility to be sure everyone is trained, just make sure you have documentation of training and all the required elements have been covered.
25. Q: About **how long** should it take to train our staff?
A: We think that about 20 minutes should do it. In the next section of this training, you will be presented with the model program. See for yourself!
26. Q: Where do we send the **documentation** that our staff has been trained?
A: Keep the documentation in your files. When Bureau consultants come to do a review, they will ask about your training. You can tell them all about it then. If they need to see the documentation, they will let you know.
27. Q: In **CACFP**, we can count civil rights training for a maximum of 30 minutes of annual training or the actual time, whichever is less. Why is this?
A: CACFPs are required to provide 1½ hours of training annually to their staff in the food program. We think that it is important that the training include a variety of topics. We also think that staff can benefit from much more than 1½ hours of training and that this training can be completed in 20 minutes. If you choose to focus more time on civil rights, we don't want this to be ALL the training that is provided. We want to see it balanced.

Manual and FNS 113-1

28. Q: Will the Bureau be keeping the **manual** updated on the web?
A: That is our plan.
29. Q: Are we required to have a **printed copy** of the updated manual on hand?
A: No.

30. Q: Are we required to read the USDA Instruction **FNS 113-1**, or keep a copy on hand?

A: No.

31. Q: Will the Bureau be sending out **reminders** about needing to train?

A: We may include reminders in a warrant insert, in one of the newsletters or in a regular announcement. But it is your responsibility to make sure it gets done whether a reminder is sent or not.

Customizing Training Materials

32. Q: May we use **other resources** than the ones listed in the manual?

A: Yes. You are encouraged to use local resources, especially grassroots organizations if they are available.

33. Q: Can we make changes to the **pre-test/post-test**?

A: Yes, modify it as you need to. But be sure the information is still consistent with requirements.

34. Q: Can we make changes in the **PowerPoint** presentations?

A: Yes, but be sure the information is consistent with requirements.

Reasonable Accommodations

35. Q: What is a **reasonable accommodation**?

A: A reasonable accommodation is a modification or an adjustment in the way services are provided, that makes it possible for a disabled person to participate in a program. For example, an accommodation may be made to provide soy milk for a child who cannot drink cow's milk. This definition is taken from the *Americans with Disabilities Act*.

36. Q: What is the **definition of disabled**?

A: Disabled means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. This is from the USDA guidance regarding accommodating children with special needs, and is based on ADA and other laws and rules.

37. Q: Are CNPs required to make **reasonable accommodation** for disabled persons?

A: It depends on which of the Child Nutrition Programs is involved. Generally, the CNP is required to make the accommodations if the participant is disabled. But some programs allow an exemption if the accommodation is burdensome or very difficult. Please call us if you have specific questions.

38. Q: If the CNP is required to make an **accommodation**, who pays for it?

A: It is considered an expense of the program. An extra fee cannot be charged to the participant or the participant's family to cover the expense. There is no additional money from the Bureau or USDA to cover the expenses.

39. Q: A **home provider** has refused to care for a child who is disabled. She is concerned that she will have to remodel her home for the wheelchair. Is this reasonable?

A: It may be reasonable. The provider should contact some of the references for assistance. But keep in mind that the term "disability" is not restricted to people who use a wheelchair. It also can include

- orthopedic, visual, speech, and hearing impairments;

- cerebral palsy;
- epilepsy;
- muscular dystrophy;
- multiple sclerosis;
- cancer;
- heart disease;
- metabolic diseases, such as diabetes or phenylketonuria (PKU);
- food anaphylaxis (severe food allergy);
- mental retardation;
- emotional illness;
- drug addiction and alcoholism;
- specific learning disabilities;
- HIV disease; and
- tuberculosis.

Prayers

40. Q: We are a **church-operated program**. We say prayers before and after meals. Do we have to stop?

A: No. Faith based programs may continue to engage in their faith practices, such as prayer, so long as public money is not used to support the practice. You could not use CNP money to print copies of hymns, for example, but you may sing the hymns at meal time.

41. Q: Our **day care** is owned and operated by the town. We say prayers before and after meals. Do we have to stop?

A: This is a little more slippery. You should contact the Iowa Civil Rights Commission for advice.

English-only

42. Q: Iowa has a law designating **English** as the official language. Why do we have to provide information to people in other languages?

A: Federal rules override Iowa law. USDA's Child Nutrition Program is a federal program, and participation in it requires compliance with the federal standards. Federal rules require you to make reasonable efforts to serve people who do not speak English in their own language.

43 Q: If I need a **translated free and reduced price application**, I know where to find it on the USDA website. But how do I know what it says? I only speak English!

A: Print a copy of the English version, too. All the translations are laid out the same way. You can follow along in English.